

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DONALD E. SULLIVAN,	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 04-10045-MLW
	)	
RAYTHEON COMPANY,	)	
Defendant.	)	

ORDER

WOLF, D.J.

June 25, 2004

It is hereby ORDERED that:

1. Plaintiff Donald E. Sullivan's Motion to Remand (Docket No. 10) is DENIED for the reasons stated in the court's August 19, 1999 Memorandum and Order in Donald E. Sullivan v. Raytheon Company, C.A. No. 98-12395-MLW (D. Mass. Aug. 19, 1999), aff'd, 262 F.3d 41, 49-50 (1st Cir. 2001).

2. Defendant Raytheon Company's Motion to Dismiss (Docket No. 4) is ALLOWED in part. As Count III of Sullivan's complaint is completely pre-empted by the Labor Management Relations Act it is hereby DISMISSED. See Sullivan v. Raytheon Co., 262 F.3d 41, 49-50 (1st Cir. 2001).

3. As the only federal claim in this case has been dismissed and only state law claims remain, this case is hereby REMANDED to state court. See 28 U.S.C. §1367(c)(3).

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/s/ Mark L. Wolf  
UNITED STATES DISTRICT JUDGE